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8 *Attorney for Defendant*  
9 *Kenneth Hall*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,

2:18-cr-00170-APG-DJA

13 Plaintiff,

**STIPULATION TO CONTINUE  
SENTENCING**

14 vs.

15 KENNETH HALL,

**(Fifth Request)**

16 Defendant.

17 IT IS HEREBY STIPULATED AND AGREED, by and between  
18 Nicholas A. Trutanich, United States Attorney, and Daniel J. Cowhig,  
19 Assistant United States Attorney, counsel for the United States of America,  
20 and William H. Brown, Esq., of BROWN MISHLER, PLLC, counsel for  
21 defendant Kenneth Hall, that the sentencing hearing currently scheduled for  
22 January 6, 2021 at 1:00 p.m., be vacated and continued at least sixty (60)  
23 days (to at least March 8, 2021), or alternatively to a subsequent date and  
24 time convenient to the Court.

25 This Stipulation is entered for the following reasons:  
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1           1.       This is the fifth requested continuance for sentencing.

2           2.       On March 30, 2020, the Chief Judge for the District of Nevada  
3 entered Temporary General Order 2020-05, regarding Authorization for  
4 Video and Teleconferencing Under the CARES Act and The Exigent  
5 Circumstances Created By COVID-19 And Related Coronavirus (hereinafter  
6 “General Order”), effective for a period of 90 days. On September 25, 2020,  
7  
8 the General Order was extended through December 28, 2020.  
9

10          3.       The General Order addresses the material effect upon the  
11 functioning of the Court brought on by the current state of emergency arising  
12 from the COVID-19 and Coronavirus pandemic. The General Order finds,  
13 among other things, that for the duration of the General Order, in-person  
14 Rule 32 felony sentencing hearings cannot be conducted in the District of  
15 Nevada without seriously jeopardizing public health and safety. The General  
16 Order further provides that Rule 32 sentencing hearings may, with the  
17 consent of the defendant (upon advice of counsel), proceed by video or  
18 teleconference in individual cases, provided that the presiding Court  
19 specifically finds that to delay the matter further will cause serious harm to  
20 the interests of justice. *See also* CARES Act, H.R. 748, Public Law No. 116-  
21 136. Given the rising numbers of COVID-19 infections within the United  
22 States in general, and in Nevada in particular, the parties do not anticipate  
23 that the effects of the current pandemic will be sufficiently mitigated to  
24  
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1 permit in-person hearings by the time of the current setting without creating  
2 undue risk to the health of the courtroom participants. Moreover, given the  
3 disturbing trend of infections (and the Governor's resultant one-month  
4 extension of the "pause" through January 15, 2021), it is unlikely that there  
5 will be sufficient mitigation of these risks in less than 60 days from January  
6 6, 2021.  
7  
8

9 4. Mr. Hall prefers an in-person sentencing without masks, after an  
10 opportunity to consult and prepare with his counsel in person for the  
11 sentencing and is willing to wait until prudent safety measures would allow  
12 that to happen without unnecessary risk to any of the parties.  
13

14 5. The government does not believe that on balance the interests of  
15 justice would be harmed by a continuance to accommodate Mr. Hall's  
16 preference. Should conditions permit an earlier sentencing, the government  
17 will not oppose a request by Mr. Hall to advance his sentencing.  
18  
19

20 6. Therefore, to allow Mr. Hall to personally appear and to allow  
21 him to confer with his counsel in person beforehand, the parties seek a  
22 continuance of at least 60 days from the present setting (January 6, 2021).  
23

24 7. Defendant is in custody and does not object to the need to  
25 continue sentencing.  
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1           8.       The government agrees to the requested continuance.

2           This is the fifth request for a continuance of sentencing.

3           Date: December 16, 2020

4  
5       Counsel for KENNETH HALL

NICHOLAS A. TRUTANICH  
United States Attorney

6  
7       /s/ William Brown  
8       WILLIAM H. BROWN  
9       BROWN MISHLER, PLLC

/s/ Daniel J. Cowhig  
DANIEL J. COWHIG  
Assistant United States Attorney

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8 *Attorney for Defendant*  
9 *Kenneth Hall*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,

2:18-cr-00170-APG-DJA

13 Plaintiff,

**ORDER CONTINUING  
SENTENCING DATE**

14 vs.

15 KENNETH HALL,

16 Defendant.

17 Based on the pending stipulation of counsel, and good cause appearing  
18 therefore, the Court hereby vacates the current sentencing date of January 6,  
19 2021 and continues the date, such that the new sentencing date shall be  
20 March 24, 2021 at 2:00 p.m. in Courtroom 6C.  
21

22 DATED this 16th day of December, 2020.

23   
24  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
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